

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
<i>Plaintiff</i>	)	
	)	
v.	)	Case No. 4:21-cr-00005-O-1
	)	
THE BOEING COMPANY,	)	
	)	
<i>Defendant.</i>	)	
_____	)	

**APPENDIX OF ADDITIONAL VICTIM STATEMENTS**

Naoise Connolly Ryan et al.<sup>1</sup> (the “victims’ representatives”) submit this Appendix of Additional Victim Statements pursuant to the Court’s order (ECF 165).

No.	Description	Appendix Page Range
1	Statement regarding Andrea Manfredi	Appx. 001-005
2	Statement regarding Camille Geoffrey	Appx. 006-011
3	Statement regarding Caroline Karanja, Ryan Njuguna, Kelli Pauls, Rubi Pauls, and Anne Karanja	Appx. 012-015
4	Statement regarding Danielle Moore and attachment	Appx. 016-033
5	Statement of Julia Mwashi	Appx. 034
6	Statement regarding Joanna Toole	Appx. 035-036
7	Statement regarding Joseph Kuria Waithaka	Appx. 037-040
8	Statements regarding Melvin Riffel and Bennett Riffel	Appx. 041-046

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<sup>1</sup> In addition to Ms. Ryan, the other victims’ family members filing this motion are Emily Chelangat Babu and Joshua Mwazo Babu, Catherine Berthet, Huguette Debets, Luca Dieci, Bayihe Demissie, Sri Hartati, Zipporah Kuria, Javier de Luis, Nadia Milleron and Michael Stumo, Chris Moore, Paul Njoroge, Yuke Meiske Pelealu, John Karanja Quindos, Guy Daud Iskandar Zen S., and others similarly situated. They are supported by more than one hundred other families.

<b>No.</b>	<b>Description</b>	<b>Appendix Page Range</b>
<b>19</b>	Statement regarding Mick Ryan	Appx. 047-049
<b>10</b>	Statements regarding Samya Rose Stumo	Appx. 050-054
<b>11</b>	Statement regarding Ameen Noormohamed	Appx. 055-056

Dated: January 30, 2023

Respectfully submitted,

/s/ Warren T. Burns

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**CERTIFICATE OF SERVICE**

I certify that on January 30, 2023, the foregoing document was served on the parties to the proceedings via the Court's CM/ECF filing system.

/s/ Paul G. Cassell

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January 26, 2023

The Honorable Reed O'Connor  
United States District Court  
Northern District of Texas  
501 West 10<sup>th</sup> Street, Room 201  
Fort Worth, TX 76102-3673

Re: *United States v Boeing Corporation*  
*Case No. 4:21-cr-5-O*

The Honorable Reed O'Connor:

We are the family (father, mother and twin sister) of Andrea Manfredi, who perished in October 2018 aboard Lion Air JT610. We asked our attorney, Filippo Marchino, to please attend the hearing today and read the statement below. We understand that family members of victims that were present in Court read their statements and hence Mr. Marchino did not have an opportunity to read ours. Accordingly, we kindly asked for this to be submitted to your attention, as to give you some insight as to our plight over the last few years, with the understanding that this was to be read aloud in Court.

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First – we would like to express our most sincere condolences to the families of the other 345 victims that will forever share in our pain, grief, and loss. To those families that are here with us today, either in person or through a representative, thank you for keeping the fight alive. Please know that we've kept you in our prayers and thoughts daily. While we know that we will forever be bonded by this immense tragedy, we likewise know that we will forever share in the love and support of this community.

Next, Your Honor, it is important for us to express to you how profoundly damaging the corporate greed of Boeing has been to us. But to do so, we would need to add some perspective. As of today, the number is one-thousand five-hundred and fifty. For the last **1,550 days** (4 years, 2 months, 28 days), each day, we have woken up and have gone to sleep without Andrea. Without his laughter, without his guidance, without any part of the immensity that he was. In our world, after 26 beautiful

years, Andrea was replaced by complete emptiness and, unfortunately, with the knowledge of what happened to him.

Andrea was not taken from us because of a tragic disease. He wasn't ripped from his cycling teammates as a result of someone's negligence. He wasn't removed from his community following some tragic mistake on his part. No. Andrea was killed in the name of profit, of greed, of shareholder compensation, of executive pays, and of cold hard cash.

A week after Andrea's remains came back, we held a funeral in our hometown. The church was completely full. There was no standing room. Outside, hundreds of his friends, former teammates and fans listened in silence and clapped when his casket emerged from the church. What they didn't know is that the casket was empty.

In fact, when the Italian foreign ministry brought Andrea home, they delivered to us a small box that contained the ashes of a small part of his body, weighing only a few grams. That's all that was returned to us. Not only was Andrea ripped from us, but we didn't get a chance to bury him. His casket, at his funeral, was rented and was empty. Completely empty. We will never get a chance to bury him, or to give him his proper resting place because his remains are somewhere off the coast of Jakarta.

We know that.

The last 10 minutes and 30 seconds of our son's life was absolute terror. He was inside an airplane that was fighting to stay airborne but was being pushed down by software code that nobody knew existed.

We know that.

And every night, when we go to sleep, we think of those last 10 minutes and 30 seconds of the life of our son: how scared he must have been. How frightening the everchanging horizon must have seemed. How absolutely petrifying the last seconds, in an almost vertical dive, must have felt to him. How powerless it must have been to perceive your world ending.

We know that.

It tortures us every day. Every time we wake up and every time we go to bed. And it tortures us in-between too: there are countless times throughout the one-thousand five-hundred and fifty days since the accident where we've had these thoughts cross our minds. And Your Honor, it is not just a painful reminder. It is outright torture...the kind that we do not wish upon our worst of enemies. It is torture that has stripped us of our will to live, our desire to smile. The small things in life that

brought daily happiness are now just painful memories of our beloved son. This, for us, will never change.

We know that.

Your Honor, earlier we told you of the 1,550 days since the accident. Here is another number for this court: 2,617 days. That's the number of days between the announcement of the 737Max and the crash of Andrea's flight. Boeing had 7 years, 1 month, 29 days to speak up. To say something. To prevent us from losing our son and losing him this way. All they had to say is stop. Don't fly these planes. Train more. But no. They did not speak up. Why? Because of money. In those same 2,617 days Boeing's stock price, pushed by the orders for the 737Max, skyrocketed almost 5-fold (from \$70 dollars to \$340 dollars at the time of the crash). Many people, including many executives, made millions upon millions of dollars while they literally watched our son die.

We know that.

As a result of the marketing fraud (designed to trick airlines - perhaps willing airlines - to buy the 737Max with the idea of no type rating requirement), Boeing's order bank for the 737Max was, at the time of Andrea's accident, comprised of over 5,000 aircraft. Our lawyers have estimated that 5,000 aircraft meant a business volume of half a TRILLION dollars. TRILLION dollars Your Honor, with a "T." Experts hired by our attorneys have estimated that the profits from that business volume is likely close to \$100 billion. In other words, they killed hundreds of people to make billions of dollars. That has to be, without a doubt, a crime.

We know that.

You see Your Honor, these accidents were not the fault of a mistake. The fault of a part that broke. The fault of a pilot's error. The fault of someone's true negligence. No. This was the result of calculated, purposeful and deliberate decisions to drive profit to the company by placing money above safety. This was the result of a purposeful acts intended to hide the truth, while knowing the dangers the public was being placed in, for the sake of more money. For the ability of individual shareholders and executives to buy more mansions, more yachts, more cars, more private jets. We do not see the difference between Boeing's actions with the Max and a drug cartel.

Dennis Muilenburg made \$23 million in 2018. He was CEO of Boeing. \$23 Million Your Honor. That's what he made the year that we lost Andrea. Had he spoken up and placed a stop on the max's ability to fly, he likely would have made less. Much less. But he didn't.

But what about the year after Andrea lost his life? What about the year where the Ethiopia jet crashed? When they could have stopped that from happening. What did the Boeing executives make? Why did they wait? Well....

Dennis Muilenburg, who was fired in December 2019, received a total compensation of \$58 million dollars, Your Honor. \$58 million, including severance, for 2019.

Kevin McAllister, CEO of the Commercial Airplanes division, who was fired in October 2019, received severance of \$14.75 million in addition to salary of \$1.2 million and about \$400,000 in other perks and benefits in 2019. That's \$16.5 Million Your Honor.

Michael Luttig, the company's chief counsel who retired in March 2019 received total 2019 compensation of approximately \$6.4 million. That's \$2.1 million a month Your Honor.

Greg Smith, Boeing's second-in-command, chief financial officer and executive vice president in charge of performance and strategy, received total 2019 compensation of \$18.5 million.

Stan Deal, who replaced McAllister as head of Commercial Airplanes, and who previously was in charge of Boeing's aftermarket services division, received \$4.2 million in 2019.

Tim Keating, executive vice president in charge of government operations — Boeing's top lobbyist and strategist in Washington D.C. — received \$4.4 million in 2019.

It's never ending Your Honor. Never ending.

346 people died Your Honor, and not once has Boeing apologized. They've taken up fights with us all in civil court all in the name of saving money. When it comes to us, they've offered us \$5 million dollars to settle the case with them. They've said Andrea was just not worth more than that. They said he was a former athlete: they insulted his talent, his businesses, his person, his relationship with us. They said that's all they have for us because he was, in simple words, not worth much.

But they don't understand that we want them to pay for what they did, not pay us off. We would happily not take a dollar from them if it meant the executives all going to jail for what they did.

Instead of apologizing to us, they're instead trying to take our day in court away here and in Chicago.

Here, they cleverly tried to get away from you and quietly settle the matter with the DOJ (with absolutely no criminal liability) by not letting us know what was happening.

In Chicago they're trying to take a jury away from our civil trial. They've also threatened to try and move the case to Italy or Indonesia because Chicago is, apparently for them, an inconvenient place for a lawsuit.

They've invoked an archaic law and said that we can't recover for Andrea's fear, fright terror... we can't recover anything for our son's last 10 minutes and 30 seconds because the plane crashed in the water as opposed to land.

You see Your Honor, they're doing everything in their power to avoid responsibility instead of doing everything in their power to make things right. All in the name of the same thing that brought us here today: money.

And to put this in perspective, Your Honor, the settlement amount that was offered to us is less than 10% of the severance for Mr. Muilenburg. He lost a job, we lost a child. Yet, the guy who was at the helm of the ship when this all happened, his retirement is worth 10 times more than the loss of life of our son and of our suffering. How does that make any sense?

And while we are here today Your Honor, on an interview yesterday, Boeing's New Chief Executive Dave Calhoun said that "We had a solid fourth quarter, and 2022 proved to be an important year in our recovery." He spoke of expecting to return to a level of financial strength comparable to its pre-pandemic state around the 2025-26 timeframe.

But in 2026 we will still be missing Andrea. He would turn 34 years old in 2026. In 2026 we will still miss his laughter, his eyes, his generosity, his love for life, his desire to strive. His teammates and fans will miss his exploits on the bikes, his victories, his comradery. We all will still have our emptiness. But Mr. Muilenburg will still have his hundreds of millions of dollars. His cohorts too.

We know that.

We ask that you hold them accountable not only for the fraud they've caused on corporations, but also for what they've done to us all. The fraud that was perpetrated devastated lives worldwide. It was fraud that was perpetrated against the thousands of family members that are in our same shoes and that, daily, suffer as a result of the greed of a select few. We ask that you please don't let them get away with this and allow us to have our day in your Court.

Thank you.

Linda Manfredi, Sonia Lorenzoni and Maurizio Manfredi.



## **Impact Statement of Catherine BERTHET**

May it please the Court,

### *Selfie of Camille in South Sudan in her compound*

This young woman's name is Camille, she was 28 years old when she lost her life in the crash of flight ET302 in Ethiopia. She is my daughter.

She had been working in the humanitarian field for several years, living in huge refugee camps. Always at the same rhythm: 4 months in Africa, then 10 days of vacation in France, at home. Her last mission, which had just ended, was in South Sudan, in the field, which she loved: logistics officer and area coordinator in a refugee camp. She managed budgets of several million dollars and managed nearly a hundred staff, South Sudanese, the expatriates of the mission being for the most part assigned in the capital Juba.

### How could I describe Camille ?

She was a hurricane, had always been: exuberant, passionate, committed, brilliant and never giving up. SHE. NEVER. GAVE UP.

To her friends, she regularly sent common mails, which she entitled "African chronicles", in which she told about her daily life: everything was joyful and a source of amusement, even the poor food, the monsoon, and even the discouragement which obviously pointed sometimes.

Her friends have put together these chronicles in the form of a book. There were nearly a hundred of them at the first memorial mass 15 days after the crash, coming from all over the world. There were still nearly 50 of them to attend her funeral 6 months later, 400 km from my home.

I had never seen the pain and tears in 30 years old people.

I saw their distress, their grief, their suffering. I saw their reddened eyes, heard the sobs they tried to suppress so as not to add to my pain, I read their poignant messages. Today they are my friends, they call me Catherine or Mummy Camille. And they keep supporting me by reminding me: Do act like Camille would: don't give up. Never give up.

.

### *Photo of Camille and Njaka*

Njaka (*pronounce Zack*) was the financial manager of the South Sudanese mission in Juba. It was love at first sight.

They had the chance to experience a true love, immediately strong and deep.

Certain that their love was eternal, they had so many projects: going to Norway to observe the northern lights, cycling to Santiago de Compostela.

They were going to live together in Kenya, they wanted to get married, and they wanted children.

I know this because Camille mentioned the maternity leave clause in her employment contract. And because Njaka mentioned the triplets they were dreaming of at the first mass. They had even found names for them.

It is to Njaka that Camille sent her last message, from Addis Ababa "I am boarding! I love you, kiss".

I cannot speak about Njaka's suffering, it belongs to him, but I know that he continues this path of faith on which they had based a great part of their relationship, he Protestant, she Catholic.

I was supposed to have dinner with him last evening, but I had to cancel to go to Texas.

Camille was an incredible sister.

*Photo César and Camille*

Knowing that I was coming to testify today, my son César insisted that I present this picture.

Camille was twelve years old when César was born. He never called her and still does not call her anything but "Sweet Sister".

These two loved each other in a way that I have never seen siblings love each other : in a fusion way.

She always wanted to do everything with him, show him everything, explain everything, play, make him laugh, make him discover the world, take him on weekends, but also educate him, be severe sometimes, watch over him, care about him.

Two years before the crash, Camille had decided to get a tattoo. She asked her tattoo artist to invent a pattern representing a 3 Cs interlace, for "Camille, César, Catherine".

I know, because she told me, because of course I saw it, that huge tattoo on her hip, but also because her tattoo artist told me that when, two years ago, I went to meet her to ask her for the same tattoo as my daughter's.

The first thing César did on March 10th, 2019, was upload all of his sister's photos to her social media accounts.

So he immediately took refuge in his room, on that big bed. This room and this bed have been their common domain since Camille was working abroad. He occupied it when she was away for several months; he left it to her and went to sleep in the guest room when she returned for a few days.

There was never any question of him going to sleep elsewhere.

This room soothes him. He made a small altar on their common dresser, which he enriched little by little with objects belonging to his sister, with photos, which he goes to look for in her belongings, which I myself do not want to touch. At the foot of his bed, a huge frame with numerous photos of his sister, which he can see when he is lying down.

Since the crash, César is not only my son, he is also the one who protects me, who watches over me, who is constantly worried about me.

And what about me?

Let me invite you to figure that you are these past almost 4 years.

You are a happy 50 years old woman, about to graduate from your psychology degree and within two years you will be a psychologist. Your children are happy too. You have a lover. You've only been together for 5 months, but you've known each other for a few years, and the love has suddenly become obvious. You don't live together, but he has become part of your life, and your children like him. he spent the weekend with you.

On Saturday evening, March 9th, it is a ritual, you accompany Camille to the airport. Just the both of you. It's one of those moments you cherish together. During the trip she laughs at you: "Now you'll stop writing me every time I have to take a plane: no more dangerous flights, now I only take serious commercial flights."

She tells you that as usual she will write to you to say that she has arrived, not before mid-afternoon, when she will be on site, she won't write at each transfer, she has two.

On Sunday morning your partner gets up early as usual, you sleep in until noon. When you wake up, your phone is full of messages asking you to call back urgently. You don't remember much about that day today. Just a picture on a computer screen and a few words; Ethiopia, crash, no survivors.

You don't remember much of the following days, weeks and months either, just flashes, moments.

Some things have changed in your life permanently and very quickly, others little by little.

You have nothing more to say, nothing more to talk about, because it was your daughter you were talking to on a daily basis, an uninterrupted dialogue for 28 years.

Wherever she was in the world, she would bombard you with WhatsApp messages all day long and you would do the same: the contents of her meal, her driver who had come up with a nickname for her, her worries about you, requests for recipes, gossips read on social networks, news of friends, family, the little hurts of everyday life (with lots of selfies of all the places on her body where an unknown insect must have bitten her), reflections on your personal loves. Everything.

The deafening silence overwhelmed you.

Then it started.

You could no longer take a shower: it was impossible to undress and stand in this large space in your bathroom. Since then, you have been taking baths, the water surrounds you, you do not feel assaulted. Of course, you take a shower occasionally if the cabin is very narrow.

You have had panic attacks, in cabs, in public transport, you are afraid in train stations, you watch everywhere because you are afraid of attacks. Needless to say, flying has become a nightmare.

Spending vacations or going to places that had been special places with your daughter was no longer possible: it took you one year to go back to the mall, and now you go with a list, right into the store. You usually do your shopping on the internet.

You won't finish Grey's Anatomy that you used to comment on every episode together, you'll never watch Love Actually that she kept advising you to watch. You can't listen to Celine Dion anymore, remembering how you loved singing aloud together.

You can't stand to see any other pictures from her than the ones that are already all over the house. The new pictures that her friends and relatives send you, thinking that they will please you, are unbearable.

You spend days and days prostrate, without saying or doing anything, in your sofa. But you need to keep your mind busy, so you compulsively do crossword puzzles, it keeps you focused. Thus today you have a crossword book with you, just in case. Because you plan everything, no room for the unexpected from now on.

Shortly after the crash, you learn that your sister is suffering from cancer but she doesn't dare share her suffering for fear of being indecent compared to the loss you are experiencing and your 20kg loss.

Your mother has a heart attack, your father is diagnosed with cancer and collapses psychologically after the crash.

And there is fog, loss of meaning, isolation, helplessness, anger and fear.

For the first two months you don't open a newspaper or watch television. Nobody dares to talk about the crash in front of you, what happened, you don't want to know anything.

It is three months later that the father of your son, your ex-husband, speaks to you and that for the first time you hear: the plane grounded, a crash 4 months before, same plane, same cause. It was not a normal accident, not a coincidence. He has himself discussed it a lot with friends who are aeronautical engineers, Boeing is responsible, it is obvious.

You are French, where the culture of criminal procedure is very strong. The newspapers talk more about trials and criminal cases than about civil cases, which rarely make the headlines. For you, logically, the two went hand in hand and from the beginning, like all the victims' families, you had only one obsession: that justice be done and that those responsible go to prison.

Your ex-husband tells you that if there is one country where judges are not afraid to put people in jail no matter how influential they are, it is the United States. And it's true, we are in the middle of the "me too" era and Weinstein was arrested and charged the year before. So in your mind, for the death of 346 people, there is absolutely no doubt that Boeing executives will spend a few years in jail.

It doesn't bother you that the procedure may take years; in France, air crash investigations usually last 10 to 15 years. You have the time.

The fog is gradually disappearing and you start to investigate with anger rising, because you discover at the same time as the whole world the turpitudes of Boeing, the lies, a plane which from the beginning was based on a flawed design but moreover had a hidden software which was activated on indication of a single sensor. You discover that all this was known from the first days following the crash in Indonesia, not only by Boeing of course, but also by everyone else. And it took a second crash to ground it? It is incomprehensible to you.

For you, the equation is simple and you want to leave it at that. These simple facts justify a trial and firm prison sentences for those responsible for the crash.

But you understand after a year, during the Covid crisis, that it's not going to be that simple. There is already talk of ungrounding the Max. You have no news of a possible investigation.

So you start asking around. And off you go.

You had never planned to understand the functioning of an airplane or the regulatory institutions.

You read articles and technical reports, the JT610 reports, the ET302 interim report, you subscribe to newsletters and set up alerts on social networks, interview specialists. Understanding an airplane is not easy, the acronyms are out there, and everything is in English!

You learn about the signing of the DPA through a Twitter alert. So did just about every family of the victims. Devastation. Incomprehension. This would never have been possible in France. You know this all the better today because you have been in Court every day this fall for the trial against Air France and Airbus for manslaughter in the Rio Paris crash. The decision has not yet been rendered.

And so, after the technical reports you start reading university textbooks on American criminal law, to understand what might have happened and how to change it all. It can't end there, can it?

You are fortunate enough to get to know Professor Cassell and you read every one of his motions, you delve into the case law that he refers to in his motions.

You are also fighting because you know and have the evidence that the 737 Max is still unsafe: you read the flight incident statistics reports. You are fighting so that Congress does not validate the certification without a modern Crew Alerting System.

God blessed you in this ordeal, to have met extraordinary people, families who are patient with your questions, your poor English, and educate you.

In short, you have a full-time job, your anger is your driving force, your son your most fervent support: "Please go all the way, Mum, Sweet Sister would never have let go if one of us had been on that plane".

You realize that you have become insensitive to the pain of others, except for your family or the families of the victims.

Besides, you can only talk about this with them.

No one in your family, your friends, or even the French journalists understand anything about all these procedures. The concept of spending one year and two hearings in Texas to have the dead people in the plane recognized as victims, and even then, only victims of lies! Nobody understands it.

But everyone supports you, unconditionally. They support you. We don't understand but we know that what you are doing is right.

You have not cried much since the crash. At the funeral home in the privacy of your daughter's casket, you don't know how many pieces are in it. And suddenly during your mother-in-law's funeral, when you felt nothing at all. You had to leave the church because there was wailing, screaming, you didn't know where it was coming from and you couldn't stop it. Your son came to comfort you.

You laugh yes, but you are cold. You only feel emotional closeness with other victims' families even though you don't know each other.

You left your partner more than a year ago because his love became unbearable for you. You have nothing to give, your heart belongs to Camille and César and there is no room for anyone else.

Your psychologist mentions PTSD and you were supposed to start EMDR tomorrow, but everything can wait, you have your whole life.

Of course, Camille did not leave you a will.

She left you more, what you call her little parcels: the belongings found at the crash site that could be identified. You only opened them in September 2021, you were not ready before. You haven't touched them since, except on Tuesday night when you were packing to go to Texas, because in truth Camille left you her love:

Among other things, a diary was found intact, which she kept, with on the cover page: "For Njaka, because I love you". Totally legible. Frames of photos, photos of César alone, photos of herself and César, absolutely intact; little love notes that Njaka had written to her on small papers that she had kept, And also a photo of you, Mummy, intact.

One of Camille's favorite places was attraction parks. A passion. She went there dozens of times, with me when she was a child, with her friends, alone, and whenever she could with her brother. And of course, her favorite attraction was the roller coaster.

Boeing offered her the most giant roller coaster. The investigative documents that are hidden from us certainly tell how she was able to enjoy it.

It will have lasted 6 minutes.

## **VICTIM IMPACT STATEMENT OF PAUL NJOROGÉ**

My name is Paul Njoroge. I am the husband of Caroline Karanja, father of Ryan Njuguna, Kelli Pauls & Rubi Pauls, and son-in-law of Anne Karanja, who all died when MCAS hijacked the Boeing 737 Max plane operated by Ethiopian Airlines Flight 302, vigorously causing the plane to move up and down, and eventually commanding it into an irrecoverable nose-dive position. The plane plummeted into the ground at a speed close to the speed of sound, burying my entire family 30 feet deep into the dirt. Nothing was left of my entire family, nothing was left of the other victims, and nothing was left of the aircraft.

In fact, I only got about 50lbs of the remains of my entire family. And that disturbs me everyday.

I have nightmares about the 6-minutes of terror that my wife and children endured. What happened within the 6-minutes is not something that you all think about. But it is something that haunts me everyday.

But before I speak about my current life in grief, desolation, and immeasurable pain. And because, I am the only voice left of my wife and children. I am going to tell you a short story, of a beautiful family, made out of love. I will make it short because if I was to talk about my family, it would take a full day.

My wife Carol grew up in a small village in Nakuru, Kenya. She grew up in an era when most young girls in her community would not pursue higher education. Instead, they would get married young or forced into early marriages leading to a cycle of unending poverty in her small town. Carol became an outlier, going through elementary and high schools, and in fact, being the first girl, in her community, to ever score an A in the Kenya's high school national examination of 2003. She then joined the University of Nairobi in Kenya, to pursue a degree in Finance.

She motivated a lot of teenage girls in her community to pursue higher education. As a matter of fact, there has been a significant increase in University-admissions for females in that community.



When Carol joined the University of Nairobi, I was a second year Finance student. We met at one of one of the University's residential halls, and it was love at first sight. That day, we both learnt that we grew up in neighbouring towns, and that my upbringing was like hers. Like her, I was also an outlier by academic achievements. These commonalities bonded us.

We became best friends, then boyfriend and girlfriend, actually 'campus sweethearts' as many people referred to us. Eventually, I graduated got a job with PricewaterhouseCoopers in Kenya. The following year Carol graduated from the and got a job as an Accountant in chemical-processing firm in Kenya. A couple of years later, I proposed to her, and we started planning our wedding. In the course of the wedding-planning, Carol got pregnant. Around that time, I had also received an offer to work as Investment Analyst here in North America.

Ryan was born in 2012. In his early years, we were in Bermuda. He grew up as a smart boy. I thought he was smarter than kids of his age. When he was about 1.5 years, I was studying for an exam, the Chartered Financial Analyst designation (a designation for Investment Professionals). I was working full time, and so I would wake up at 3am to study. Every day at 6am, Ryan would shoot out of the bed, run to the living room where I had a study-desk. He would find me studying or meditating, after wrapping up my studies. Then he would ask me, 'Daddi, why are you not reading that book that you are always reading?' (while pointing to the book) .... He would then pull me into kitchen so that I can give a bowl of cheerios with milk. Ryan was curious, a knowledge-seeker and a sports-boy.

Kelli was born in Boston area, Massachusetts in 2014. She was this doll, a princess, as she would want us to call her all the time. She made us happy, she danced for us, she sang for us. At just over a year old, she would speak some words with ease. When Rubi was born, in 2018, Kelli immediately informed me that Rubi would be called Princess No. 2. Rubi was bubbly and would dance to Kellie's singing. She would quickly turn her head on hearing my voice, then lift her hands up, so that I can lift her up.



**I am left with the memories of my wife and children's birthdays, anniversaries. I will never get to see my children join universities, graduate, get married, have families.**

**I will never get to see what my children could have become; investment professionals like me? Doctors? Lawyers? pro-footballers? pro soccer players? pro basketballers? Singers? the list is endless.**

You see, this so called 'victims' were human beings. Are human beings who live in me. In my current life, there isn't a moment that passes without me thinking of my wife and children, without me feeling them. I want to be with them, I want to hold them. I cry everyday, sometimes I weep, other times I just feel so hopeless. Sometimes I feel like my life is teetering at the edge. But I just choose to live a day at time.

To you all, March 10, 2019, is almost 4 years ago. It seems like yesterday to me. My mind is always there in Ethiopia. I have an always nagging thought of what happened on that day, the six minutes. The imagination of that plane on a nose-dive at almost 90degrees, impacting the ground like a bomb and leaving a crater 30ft deep. It just never leaves my mind.

Since March 10, 2019, I haven't slept a night without waking up, with my heart racing, my body sweating, a feeling of pressure in my chest. And the nagging tightening of the throat, mild suffocation and breathing anomaly. I must use pills to have a 4+hrs uninterrupted sleep. I must cool frequent headaches with painkillers. I must use some medicine to lower an escalating stomach acidity problem.

The simple statement is that, my life was simply snatched away when my wife and children died. It was buried 30ft deep in that crater that the Boeing 737 Max created. I feel lonely in a world of 8 billion people. I try to do the best that I can to continue living. I read, I run, I meditate, I travel, I watch sports, play some sports. Anything that helps me not to feel like a zombie on earth.

Boeing's culpability in the death of my wife and children, my mum-in-law and all other victims, is well documented. Boeing and its senior executives put profits over people. Before the crash of Lion Air Flight JT610, they perpetrated fraud by concealing

information from the FAA, regarding MCAS and the magnitude of its effect when activated. And after the crash of JT 610, the then most senior executive at Boeing, ex-CEO Dennis Muilenberg provided assurances to the public that the plane was safe to fly. His usual demeanour was to blame the so called 'foreign' pilots. He continued to use this fallacy over and over. This he did knowing that there was an 'MCAS internal safety review' that began immediately after the crash of JT610. He never disclosed anything about this review to the public.

Do you know what happens when an impartial institution is tasked with a duty to protect the public? They conduct a thorough fact-finding exercise. They demand corporations to submit documents for review. They comb through all availed documents. They do this for the benefit of the public. And that is what the SEC – Securities Exchange Commission. The SEC did that for the benefit of NYSE:BA investors. They uncovered that, on various occasions, after the crash of JT610 and before the crash of ET302, ex-CEO Muilenburg and other executives chose to mislead the public by claiming that the B737 was the safest plane to every fly. These Boeing executives left out information that MCAS had been seen to cause non-normal flight behaviour and was being investigated by both Boeing and the FAA.

How then can the DOJ claim that the fraud was not inherent within Boeing? How can you claim that Dennis Muilenberg, was not culpable? He was at the helm of the decision-making. The buck stopped with him.

Lack of proper oversight, sheer arrogance, and complete disregard of human life was contagious within Boeing. And that contagion effect has spread to some key US government departments. The DOJ is in bed with Boeing; their complacency is too apparent. It is shame that this is the DOJ of this land of the free and home of the brave. Show me your bravery.

Dennis Muilenberg and other executives took a gun. A gun loaded with killer bullets. And playfully shot into the air countless times. And even though the bullets took long winding paths, four of those bullets annihilated my family. That is what we call murder in the third degree. That's manslaughter.

Those Boeing executives should not be walking free.

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**SECURITIES ACT OF 1933**  
**Release No. 11105 / September 22, 2022**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-21140**

**In the Matter of**

**THE BOEING COMPANY,**

**Respondent.**

**ORDER INSTITUTING CEASE-AND-  
DESIST PROCEEDINGS PURSUANT TO  
SECTION 8A OF THE SECURITIES ACT  
OF 1933, MAKING FINDINGS, AND  
IMPOSING A CEASE-AND-DESIST  
ORDER**

**I.**

The Securities and Exchange Commission (“Commission”) deems it appropriate that cease-and-desist proceedings be, and hereby are, instituted pursuant to Section 8A of the Securities Act of 1933 (“Securities Act”), against The Boeing Company (“Boeing” or “Respondent”).

**II.**

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”), which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over it and the subject matter of these proceedings, which are admitted, Respondent consents to the entry of this Order Instituting Cease-And-Desist Proceedings Pursuant to Section 8A of the Securities Act of 1933, Making Findings, And Imposing A Cease-And-Desist Order (“Order”), as set forth below.

**III.**

On the basis of this Order and Respondent’s Offer, the Commission finds<sup>1</sup> that:

**SUMMARY**

1. This matter concerns Boeing’s failure to exercise reasonable care in making statements to the public following two fatal accidents involving its new 737 MAX line of aircraft.

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<sup>1</sup> The findings herein are made pursuant to Respondent’s Offer of Settlement and are not binding on any other person or entity in this or any other proceeding.

Those failures resulted in Boeing making materially misleading statements to investors in November 2018 and April 2019.

2. On October 29, 2018, a Boeing 737 MAX aircraft operated by PT Lion Mentari Airlines (“Lion Air”) as Flight 610 crashed shortly after takeoff from Jakarta, Indonesia, killing all 189 passengers and crew (the “Lion Air Crash”).

3. Less than five months later, on March 10, 2019, a second 737 MAX, this one operated by Ethiopian Airlines as Flight 302, crashed shortly after takeoff from Addis Ababa, Ethiopia, killing all 157 passengers and crew (the “Ethiopian Airlines Crash”).

4. Accident investigations revealed that both crashes involved the erroneous activation of the Maneuvering Characteristics Augmentation System (“MCAS”), a new Boeing flight control law (not described in the 737 MAX flight manuals or pilot training materials) that was designed to help avert stalls by pushing the nose of the airplane downward without input from the crew whenever a sensor on the outside of the fuselage indicated the aircraft was approaching an angle at which a stall may occur.

5. Neither Lion Air Flight 610 nor Ethiopian Airlines Flight 302 was approaching a stall at the time MCAS activated. Rather, on both flights, an erroneous signal from the external sensor repeatedly triggered MCAS while the plane was climbing at a normal angle. On both flights, the crews were unable to regain control of the airplane following the unintended MCAS activations.

6. On March 13, 2019, three days after the Ethiopian Airlines Crash, the U.S. Federal Aviation Administration (“FAA”) issued an order grounding the entire 737 MAX fleet due to ongoing safety concerns; similar grounding orders were issued by regulators around the world. Ultimately, more than 20 months would pass before a 737 MAX was once again permitted to fly.

7. In the wake of the Lion Air Crash, Boeing sought to reassure the public and the market about the safety of the 737 MAX. Later, following the Ethiopian Airlines Crash and the subsequent grounding of the 737 MAX, Boeing sought to reassure the public and the market that the process by which the 737 MAX was designed, tested and certified to fly complied with all applicable regulations and with Boeing’s own standards and historical practices. In doing so, Boeing failed to exercise reasonable care, resulting in public statements that were materially misleading to investors.

8. The first misleading public statement was contained in a press release issued by Boeing on November 27, 2018, following the release of the Indonesian government’s preliminary report on the Lion Air Crash (the “November 2018 Press Release” or “Press Release”). In that Press Release, Boeing highlighted certain aspects of the preliminary accident report while downplaying others, and also offered the public its “assurance” that the 737 MAX “is as safe as any airplane that has ever flown the skies.” However, by that point, Boeing had determined that MCAS posed an ongoing safety issue that required remediation; indeed, Boeing had already begun work on a redesign of the MCAS software to address the safety issue. However, the Press Release made no mention of the MCAS safety issue or planned software redesign.

9. A second set of misleading public statements was made in April 2019 following the Ethiopian Airlines Crash and the 737 MAX grounding (the “April 2019 Statements”). While speaking to investors and analysts during Boeing’s first quarter 2019 earnings call on April 24, 2019, and in comments to reporters following Boeing’s annual shareholders’ meeting on April 29, 2019, Boeing, through its then President and CEO, Dennis A. Muilenburg (“Muilenburg”), stated that “there was no surprise or gap or unknown ... that somehow slipped through [the] certification process” for the 737 MAX, and that Boeing had “gone back and confirmed ... that we followed exactly the steps in our design and certification processes that consistently produce safe airplanes.”

10. Prior to the April 2019 Statements, Boeing had, in responding to a subpoena issued by the U.S. Department of Justice (“DOJ”) in a criminal investigation into the 737 MAX certification process, uncovered documents that suggested that key facts about MCAS’s operational scope had not been disclosed to the FAA’s Aircraft Evaluation Group (“FAA-AEG”), the section of the FAA responsible for the review and approval of pilot training requirements and flight manuals for the 737 MAX. In addition, an internal compliance review had separately identified certain documentation gaps and inconsistencies relating to MCAS and the certification process. None of those facts were disclosed or otherwise known to the public at that time.

11. Boeing offered and sold debt securities to investors after it issued the November 2018 Press Release. Boeing also offered and sold debt securities to investors after Muilenburg’s April 2019 Statements.

12. By failing to exercise reasonable care to ensure that statements in its November 2018 Press Release and in the April 2019 Statements were not materially misleading by ensuring that all facts necessary to make those statements not misleading under the circumstances were disclosed to investors, Boeing violated Sections 17(a)(2) and 17(a)(3) of the Securities Act.

### **RESPONDENT**

13. **Boeing**, a Delaware corporation headquartered in Arlington, Virginia, engages in the design, development, manufacture, sale and support of commercial jet aircraft, military aircraft, satellites, and other aerospace products. Boeing’s common stock is registered under Section 12(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and trades on the New York Stock Exchange (under the ticker symbol “BA”).

### **OTHER RELEVANT INDIVIDUAL**

14. **Muilenburg**, age 58, is a resident of Collinsville, Illinois. Muilenburg was Boeing’s President from December 2013 to December 2019, CEO from July 2015 to December 2019, and Chairman of the Board of Directors from March 2016 to October 2019.

## **FACTS**

### **A. Background: The 737 MAX and MCAS**

15. Boeing's 737 line of commercial aircraft first came to market in the 1960s. Since that time, Boeing has designed, manufactured, and sold approximately 10 versions of the Boeing 737 to its customers, including commercial airlines around the world.

16. The 737 MAX is Boeing's most recent version of the 737 aircraft line. The 737 MAX was conceived after Boeing faced intense competition from one of its rival commercial airplane manufacturers to produce a fuel-efficient, single aisle plane.

17. Boeing began designing the 737 MAX in 2011 and submitted its initial application for an Amended Type Certificate ("ATC") to the FAA in 2012. In March 2017, the FAA issued an ATC to Boeing for the 737 MAX, and the new plane entered into service a few months later. Quickly after it was launched, the 737 MAX became the best-selling plane in Boeing's history.

18. Although the 737 MAX was built upon the design of its predecessor, the 737 Next Generation (the "737 NG"), some changes were made. For one thing, the engines on the 737 MAX were larger and were positioned slightly forward under the airplane's wings. These changes increased fuel efficiency but altered the aerodynamics of the 737 MAX as compared to its predecessor, particularly at higher angles-of-attack ("AoA"), a measure of the angle between the aircraft's wing and the oncoming air.

19. In an effort to make the 737 MAX handle more like the 737 NG, Boeing introduced MCAS, a computerized control that would adjust the airplane's horizontal stabilizer in the event the plane's computer received data from an external sensor (known as the AoA sensor) indicating that the angle of the airplane was too steep, which could cause the plane to stall. MCAS was designed to make the necessary adjustments without input from the crew.

20. MCAS was originally designed to operate only under conditions involving both high speeds (Mach 0.6-0.8) and high AoA, conditions that were "outside the normal flight envelope." MCAS was therefore not expected to engage during the course of a normal commercial flight.

21. Later in the design and certification process, however, Boeing expanded the operational scope of MCAS to address a tendency of the 737 MAX to pitch upwards at high AoA even at lower speeds. To achieve this, Boeing widened the speed range within which MCAS could operate to Mach 0.2-0.8, now encompassing speeds at which a commercial flight would regularly travel, and also expanded MCAS's command authority, or the degree to which MCAS could push down the nose of the plane, at lower speeds (the "MCAS Expansion").



**B. U.S. Regulators Approve the Pilot Training Requirements and Flight Manuals for the 737 MAX without Knowledge of the MCAS Expansion.**

22. When a derivative of an existing aircraft model enters service, pilots certified to fly the previous model can become certified to fly the new model by undergoing “differences training,” a training course focused on those aspects of the new model (here, the 737 MAX) that are meaningfully different from the previous model (here, the 737 NG). As a general matter, the greater the similarity between the two models, the less differences training is required, reducing training costs incurred by operators of the aircraft.

23. In connection with the overall evaluation, approval and certification process for a derivative airplane, the FAA-AEG is responsible for determining the required level of differences training for U.S.-based airline pilots – and, relatedly, the extent to which new or updated functions must be described in the flight manuals – based on information provided, and recommendations made, by manufacturers such as Boeing. At the end of this process, the FAA-AEG publishes a Flight Standardization Board Report (the “FSB Report”) which contains, among other things, the FAA-AEG’s determination on the level and scope of differences training and the contents of the flight manuals.

24. Here, Boeing took the view that pilots transitioning from the 737 NG to the 737 MAX should be required to undergo only a short computer-based training (“CBT”) course, as opposed to more extensive, simulator-based training. Indeed, even before certification, Boeing advertised, and, in some cases, contractually guaranteed, to its airline customers that only CBT would be required for 737 NG pilots to operate the 737 MAX. For instance, one purchase agreement with a major airline required Boeing to refund up to \$1 million per plane in the event the FAA required more than CBT for 737 MAX pilots.

25. In advocating for CBT only, Boeing employees responsible for communicating with the FAA-AEG as to differences training and manuals certification – including Boeing Employee-1 and Boeing Employee-2, senior members of the 737 MAX Flight Technical Group – presented MCAS to the FAA-AEG as a feature that could only activate in a very specific, high-speed scenario that was outside the normal flight envelope and therefore unlikely to ever be encountered by a commercial pilot. They made these representations to FAA-AEG personnel beginning in or around June 2015.

26. In or around March 2016, Boeing introduced the MCAS Expansion, significantly broadening MCAS’s operational scope. No longer limited to a specific, rare high-speed scenario, MCAS could now activate at abnormally high AoA throughout the entire speed range of the 737 MAX, including during the initial climb and the final descent, and its command authority was significantly increased to allow it to function effectively at lower speeds.

27. In or around August 2016, the FAA-AEG made a provisional determination to accept Boeing's proposal of CBT-only and to omit MCAS from the differences training and flight manuals. At that time, the FAA-AEG was not aware of the MCAS Expansion.<sup>2</sup>

28. Boeing employees responsible for communicating with the FAA-AEG understood, as evidenced by internal emails, that this provisional determination was contingent on there being "no significant systems changes to the airplane," and that the subsequent disclosure of additional differences to the FAA-AEG "would be a huge threat to that differences training determination."

29. On or about November 15, 2016, during a test flight of the 737 MAX in a simulator, Boeing Employee-1 experienced what Boeing Employee-1 recognized as MCAS operating at lower speed. Later that day, Boeing Employee-1 and Boeing Employee-2 discussed MCAS in an electronic chat (the "November 15, 2016 Chat") which contained the following exchange:

**Boeing Employee-1:** Oh shocker alerT! / MCAS is now active down to M[ach] .2 / It's running rampant in the sim[ulator] on me... / so I basically lied to the regulators (unknowingly)

**Boeing Employee-2:** [I]t wasn't a lie, no one told us that was the case

30. Following this exchange, Boeing employees responsible for communicating with the FAA-AEG did not inform the FAA-AEG about the MCAS Expansion. And in a January 17, 2017 email to the FAA-AEG, Boeing Employee-1 reminded the FAA-AEG to delete any references to MCAS from the FSB Report, saying "Flight Controls: Delete MCAS, recall we decided we weren't going to cover it in the [manuals] or the CBT ... since it's way outside the normal operating envelope."

31. On or about July 5, 2017, the FAA-AEG published the FSB Report, which omitted any information about MCAS. Consistent with the determinations made by the FAA-AEG as reflected in the published FSB Report, MCAS was not described in the 737 MAX flight manuals or pilot training materials, and was not part of the required differences training for pilots transitioning to the 737 MAX when the 737 MAX entered into service in mid-2017.

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<sup>2</sup> The MCAS Expansion was reflected in certification documents provided to a different group within the FAA that was responsible for determining whether the 737 MAX met U.S. federal airworthiness certification standards; however, that group was not involved in the review and approval of pilot training requirements and flight manuals.



**C. The Lion Air Crash and the November 2018 Press Release**

***Boeing's Safety Review Board Determines that MCAS Poses a Safety Issue that Requires Remediation, and Boeing Engineers Begin Work on a Software Redesign.***

32. The Lion Air Crash occurred on October 29, 2018. Soon after the crash, investigators identified repeated unintended activations of MCAS triggered by erroneous AoA data as a cause of the accident.

33. In the weeks following the Lion Air Crash, Boeing convened a series of meetings of its Safety Review Board ("SRB") – an internal body comprised of Boeing personnel that evaluate in-service aircraft safety issues – on November 4, 2018, November 6, 2018, and November 15, 2018, to assess the ongoing safety of the 737 MAX in light of the Lion Air Crash.

34. The SRB determined that the high crew workload required to counter repeated unintended MCAS activation triggered by erroneous AoA data, and the limited amount of time a crew might have to do so before the airplane became unrecoverable (as happened on the Lion Air Crash flight), posed an "airplane safety issue" that required remediation. The crew workload issue was compounded by the presence of other distracting visual, auditory, and tactile alerts and warnings associated with a damaged or malfunctioning AoA sensor on the 737 MAX.

35. On November 6, 2018, Boeing issued a bulletin to operators of 737 MAX aircraft informing them that erroneous AoA data could cause uncommanded nose-down movements of the aircraft (without mentioning MCAS by name). The bulletin instructed pilots to follow the procedures in the flight manuals for a "runaway stabilizer" – a type of malfunction that could present as similar to repeated unintended MCAS activations on the 737 MAX – in the event of uncommanded nose-down movement.

36. On November 7, 2018, the FAA issued a public emergency airworthiness directive to airlines operating the 737 MAX, informing them of the potential for repeated nose-down movements of the aircraft which, "if not addressed, could cause the flight crew to have difficulty controlling the airplane ... and [could result in] possible impact with terrain." The airworthiness directive identified the issue as an "unsafe condition" on the 737 MAX, and, as an "interim action" pending further analysis, referred crews to the runaway stabilizer procedures described in Boeing's November 6 bulletin.

37. On or about November 15, 2018, Boeing safety engineers concluded that, in light of the SRB's findings, the MCAS software should be redesigned and re-installed on the 737 MAX fleet to remediate the high crew workload "airplane safety issue." They determined that the software redesign had to be completed within approximately 27 months, but that the 737 MAX fleet could continue to operate in the interim in light of Boeing's bulletin and the FAA emergency airworthiness directive.

38. Around the same time, the FAA conducted its own safety analysis and reached conclusions similar to those reached by the Boeing SRB, including that the Boeing 737 MAX could continue to operate pending remediation of the MCAS-related crew workload issue;

however, the FAA review concluded that a software redesign would have to be completed within approximately 8 months (later shortened to approximately 7 months).

***Boeing Assures the Public that the 737 MAX is “as Safe as Any Airplane that has Ever Flown the Skies” while Working to Remediate the “Airplane Safety Issue.”***

39. On or about November 15, 2018, senior executives at Boeing, including Muilenburg, were informed that the SRB had identified the crew workload issue associated with unintended MCAS activation due to erroneous AoA data as an “airplane safety issue” that required remediation, and that Boeing engineers were working on redesigning the MCAS software to address the issue.

40. Also, on or about November 15, 2018, Boeing’s Communications team began working with senior Boeing engineers and lawyers, among others, to draft a press release to update the public following the Lion Air Crash (the “Draft Press Release”), which would evolve to become the November 2018 Press Release.

41. Early versions of the Draft Press Release generally confirmed the plane’s safety, stating that the 737 MAX was either a “safe airplane” or that it “continue[d] to be safe to fly.” Certain versions also noted that Boeing was working with the FAA to “expedite the development and certification of a flight control software update” for MCAS.

42. During this time period, Boeing was the subject of extensive negative media coverage over allegations that Boeing had withheld information from pilots, airlines, regulators and the general public regarding MCAS. Other articles raised concerns about MCAS being too powerful and/or relying on a single sensor, and about the integrity of the certification process for the 737 MAX.

43. Boeing’s stock price was also dropping during this time. By November 20, 2018, Boeing’s stock price had fallen by 11.6% since the Lion Air Crash.

44. On November 20, 2018, Muilenburg expressed disappointment in Boeing’s response to the negative post-crash media coverage, stating in an email that “[w]e are spending too much time playing defense... [we] need to start playing some offense.”

45. The next day, an official at the U.S. National Transportation Safety Board (“NTSB”) emailed Boeing a draft of the preliminary report on the Lion Air accident investigation (the “Lion Air Preliminary Report”), which was expected to be released to the public by the Indonesian government within the coming days.

46. Later that day, the Communications team sent Muilenburg and other executives an updated version of the Draft Press Release. After reviewing the draft, Muilenburg directed that the Draft Press Release be modified to incorporate a discussion of facts drawn from the Lion Air Preliminary Report, and also suggested removing discussion of the planned MCAS software redesign from the Draft Press Release.

47. On November 24, 2018, the Communications team began revising the Draft Press Release in accordance with Muilenburg's instructions. As a result, the Draft Press Release underwent significant changes as its focus shifted to the Lion Air Preliminary Report.

48. From that point forward, the Draft Press Release no longer mentioned the development of an "MCAS software update," and also stated that Boeing's customers and passengers "have [Boeing's] assurance that the 737 MAX is as safe as any airplane that has ever flown the skies." In the days that followed, Muilenburg and other executives worked with the Communications team to further revise the Draft Press Release.

49. On the afternoon of November 27, 2018, Muilenburg approved the issuance of the November 2018 Press Release via email, writing, "Looks great – factual, and sticks to the report while making our key points. Good to go here ...." The November 2018 Press Release was published on Boeing's website that evening, just after the public release of the Lion Air Preliminary Report by the Indonesian government.

50. The November 2018 Press Release highlighted certain facts from the Lion Air Preliminary Report suggesting that pilot error and poor airplane maintenance by Lion Air had contributed to the crash. The November 2018 Press Release did not mention that the SRB had identified an ongoing "airplane safety issue" associated with MCAS or the planned software redesign – indeed, it did not mention MCAS at all. The final November 2018 Press Release also contained the statement: "As our customers and their passengers continue to fly the 737 MAX to hundreds of destinations around the world every day, they have our assurance that the 737 MAX is as safe as any airplane that has ever flown the skies."

51. Prior to the issuance of the November 2018 Press Release, Boeing provided drafts to the FAA and NTSB for informational purposes, and those drafts contained the "as safe as any airplane that has ever flown the skies" language. After the November 2018 Press Release was published, a senior official at the NTSB complained to Boeing, via email, that the November 2018 Press Release was not appropriate given Boeing's involvement in the crash investigation, and that "the omission of certain facts and the highlighting of other facts [in the November 2018 Press Release] leads the reader to Boeing's analytical conclusion."

52. On November 28, 2018, the first trading day following the public release of the Lion Air Preliminary Report and Boeing's after-hours publication of the November 2018 Press Release, Boeing's stock closed at \$333.5, up 4.8% from the prior day's close (compared to a 2% gain for the S&P 500).

53. The November 2018 Press Release – in particular, the statement that "the 737 MAX is as safe as any airplane that has ever flown the skies" – was misleading under the circumstances absent any discussion of an "airplane safety issue" that required remediation by fixing the MCAS software. Accordingly, Boeing failed to exercise reasonable care in connection with the November 2018 Press Release.

54. A reasonable investor would have considered the statement in the November 2018 Press Release that "the 737 MAX is as safe as any airplane that has ever flown the skies," as well

as contrary facts set forth in Paragraph 53, *supra*, that were omitted from the November 2018 Press Release, to be material.

55. In or around February 2019, Boeing offered and sold \$1.5 billion of debt securities to investors. At the time of the offers and sales, Boeing had neither retracted nor modified the materially misleading statement contained in the November 2018 Press Release.

**D. The Boeing Certification Compliance Review and Discovery of “Concerning” Documents Relating to MCAS Differences Training and Manuals**

***Boeing’s Compliance Review Identifies Documentation Gaps and Inconsistencies in the Certification Process Relating to MCAS.***

56. On or about November 21, 2018, Boeing senior management assembled a team to review the 737 MAX certification process with a particular focus on MCAS (the “MCAS Certification Compliance Review”), led by a senior Boeing engineer who was familiar with the 737 MAX design, but who had not been directly involved in the certification process. The MCAS Certification Compliance Review team was specifically directed to include in its review aspects of the certification process relating to differences training and flight manuals.

57. The MCAS Certification Compliance Review team presented its initial findings and conclusions to Boeing senior engineering and compliance personnel, together with representatives of the FAA, on or about December 17, 2018, in a live presentation accompanied by a written report. Muilenburg was briefed on the core findings around this time as well. While the written report was further reviewed over the next several months, the core findings and conclusions did not change.

58. The MCAS Certification Compliance Review ultimately concluded that the certification process with respect to MCAS was compliant with FAA regulations. However, the written report identified several documentation gaps and inconsistencies relating to MCAS and the certification process, including a lack of adequate supporting documentation for the assumption, used by Boeing engineers and test pilots throughout the design and testing process, that repeated unintended MCAS activations (as the crew of Lion Air Flight 610 experienced) would be no more hazardous than a single unintended MCAS activation – an assumption that was later called into doubt by the SRB.

59. The MCAS Certification Compliance Review report also noted that the supporting rationale for the decision to remove MCAS from the differences training and flight manuals was not properly documented and had been made contemporaneously with the MCAS Expansion. These findings raised questions as to whether the FAA-AEG had been made aware of, and had an opportunity to evaluate, the MCAS Expansion when it agreed to Boeing’s proposal to remove MCAS from the differences training and manuals.

60. The MCAS Certification Compliance Review team was not aware of the November 15, 2016 Chat. Consequently, the November 15, 2016 Chat was not referenced in the MCAS Certification Compliance Review report and did not factor into its findings and conclusions.

***Boeing's Senior Officers are Briefed on the November 15, 2016 Chat.***

61. In the wake of the Lion Air Crash, the DOJ began an investigation into the 737 MAX certification process. In January 2019, while collecting documents in connection with the DOJ's investigation, members of Boeing's Legal Department uncovered a series of communications that raised questions about the disclosures made to the FAA-AEG concerning the differences training and manuals certification, including the November 15, 2016 Chat in which Boeing Employee-1 wrote that he had "lied to regulators (unknowingly)" about MCAS.

62. In or around January 2019, Boeing's in-house counsel informed Muilenburg and other senior executives about the existence of the November 15, 2016 Chat. Following that communication, Muilenburg understood the November 15, 2016 Chat to be "concerning."

63. The November 15, 2016 Chat – like the documentation issues highlighted in the MCAS Certification Compliance Review report – raised significant questions concerning the adequacy of Boeing's disclosures about MCAS in connection with the FAA-AEG's review and approval of pilot training requirements and flight manuals for the 737 MAX, including the omission of MCAS from the differences training and the flight manuals.

**E. The Ethiopian Airlines Crash and the April 2019 Statements**

64. The Ethiopian Airlines Crash occurred on March 10, 2019. Once again, accident investigators determined that the accident involved repeated unintended activations of MCAS triggered by erroneous data from an AoA sensor.

65. On March 13, 2019, three days after the Ethiopian Airlines Crash, the FAA issued an order grounding the entire 737 MAX fleet due to ongoing safety concerns; similar grounding orders were issued by regulators around the world. Ultimately, more than 20 months would elapse before the 737 MAX was once again permitted to fly.

66. The extensive negative media coverage of Boeing that followed the Lion Air Crash intensified after the Ethiopian Airlines Crash and the subsequent grounding, as did the downward pressure on Boeing's stock price.

67. Boeing's first quarter earnings call occurred on April 24, 2019. On that call, Muilenburg, on behalf of Boeing, responded to analysts' questions concerning MCAS and the certification process for the 737 MAX. During the questioning, one analyst asked in relevant part: "how did this slip through the engineering organization? How did it slip through the FAA... because it doesn't seem like there was a lot of new science going on here... [t]his seemed to be applications of existing technology to an existing platform." Muilenburg's answer stated in relevant part:

*[T]here is no technical slip or gap here... we know that both accidents were a series of events... in this case, there was erroneous angle-of-attack information that came into the airplane from*



multiple causes... at some point during the flight, that activated the MCAS control laws, and we know that ultimately there were actions or actions not taken that contributed to the final outcome...

But I can tell you with confidence that we understand our airplane, we understand how the design was accomplished, how the certification was accomplished, and remain fully confident in the product that we've put in the field. But we also know there are areas that we can improve, and that is the source of the software update here. ***But there was no surprise or gap or unknown here or something that somehow slipped through a certification process. Quite the opposite. We know exactly how the airplane was designed. We know exactly how it was certified. We have taken the time to understand that....***

(Emphasis added.)

68. Five days later, on April 29, during a press conference following Boeing's annual shareholders' meeting, a reporter asked Muilenburg whether the MCAS design was deeply flawed. Muilenburg, on behalf of Boeing, responded in relevant part: ***"We have gone back and confirmed again ... that we followed exactly the steps in our design and certification processes that consistently produce safe airplanes. It was designed per our standards. It was certified per our standards."*** (Emphasis added.)

69. The April 2019 Statements were misleading under the circumstances absent any discussion of the questions raised by the discovery of the November 15, 2016 Chat and the MCAS Certification Compliance Review concerning the adequacy of Boeing's disclosures to the FAA-AEG in connection with the FAA-AEG's review and approval of pilot training requirements and flight manuals for the 737 MAX. Accordingly, Boeing failed to exercise reasonable care in connection with the April 2019 Statements.

70. A reasonable investor would have considered the April 2019 Statements – in particular, the statements that “there was no surprise or gap or unknown ... that somehow slipped through [the] certification process” for the 737 MAX, and that Boeing had “gone back and confirmed ... that we followed exactly the steps in our design and certification processes that consistently produce safe airplanes” – as well as the contrary facts set forth in Paragraph 69, *supra*, that were omitted from the April 2019 Statements, to be material.

71. In or around May 2019, Boeing offered and sold \$3.5 billion of debt securities to investors.

72. In or around July 2019, Boeing offered and sold \$5.5 billion of debt securities to investors.

73. At the time of the offers and sales in May and July 2019, neither Boeing nor Muilenburg had retracted or modified the materially misleading April 2019 Statements.

74. On October 18, 2019, it was widely reported that the U.S. House of Representatives Transportation and Infrastructure Committee, which was conducting hearings relating to the 737 MAX, had obtained a series of documents concerning Boeing Employee-1's communications with the FAA-AEG, including the November 15, 2016 Chat, and would be questioning Muilenburg about those documents and related issues during his scheduled congressional testimony later that month.

75. On October 18, 2019, Boeing's stock price dropped by 6.8%, compared to a 0.4% decline for the S&P 500.

### **Violations**

76. As a result of the conduct described above, Boeing violated Sections 17(a)(2) and 17(a)(3) of the Securities Act, which prohibit any person in the offer or sale of securities from obtaining money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make statements made, in light of the circumstances under which they were made, not misleading, and from engaging in any practice or course of business which operates or would operate as a fraud or deceit upon the purchaser in the offer or sale of securities, respectively. Negligence is sufficient to establish violations of Sections 17(a)(2) and 17(a)(3) of the Securities Act. *Aaron v. SEC*, 446 U.S. 680, 696-97 (1980).

### **IV.**

In view of the foregoing, the Commission deems it appropriate to impose the sanctions agreed to in Respondent Boeing's Offer.

Accordingly, it is hereby ORDERED that:

A. Pursuant to Section 8A of the Securities Act, Boeing cease and desist from committing or causing any violations and any future violations of Sections 17(a)(2) and 17(a)(3) of the Securities Act.

B. Boeing shall, within 14 days of the entry of this Order, pay a civil money penalty in the amount of \$200,000,000 to the Securities and Exchange Commission. If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. §3717.

Payment must be made in one of the following ways:

- (1) Respondent may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request;
- (2) Respondent may make direct payment from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>; or

- (3) Respondent may pay by certified check, bank cashier's check, or United States postal money order, made payable to the Securities and Exchange Commission and hand-delivered or mailed to:

Enterprise Services Center  
Accounts Receivable Branch  
HQ Bldg., Room 181, AMZ-341  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

Payments by check or money order must be accompanied by a cover letter identifying Boeing as a Respondent in these proceedings, and the file number of these proceedings; a copy of the cover letter and check or money order must be sent to Celeste A. Chase, Assistant Regional Director, Division of Enforcement, New York Regional Office, Securities and Exchange Commission, 100 Pearl Street, Suite 20-100, New York, NY 10004-2616.

C. Pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, a Fair Fund is created for the penalties referenced in paragraph B above. This fund may be combined with any other distribution fund or fair fund arising out of the same facts that are the subject of this Order. Amounts ordered to be paid as civil money penalties pursuant to this Order shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Respondent agrees that in any Related Investor Action, it shall not argue that it is entitled to, nor shall it benefit by, offset or reduction of any award of compensatory damages by the amount of any part of Respondent's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Respondent agrees that it shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the Securities and Exchange Commission. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this proceeding. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Respondent by or on behalf of one or more investors based on substantially the same facts as alleged in the Order instituted by the Commission in this proceeding.

By the Commission.

Vanessa A. Countryman  
Secretary



### **Moore Family Victim Impact Statement**

Ever since a young age, my daughter's enthusiasm and curiosity of life was insatiable. Danielle Moore was a voracious learner, a masterful artist, and a tireless community-builder – a true leader that served with humility. She was a mentor for other students. Her smile radiated confidence, happiness and hope.

From her graduation as valedictorian from high school, Danielle had a bright future ahead of her filled with ambitious hopes and dreams. After high school, she completed her Bachelor of Science degree with honours in Marine Biology from Dalhousie University. Her thesis research on right whales helped to fundamentally change how scientists track and protect this endangered species. During Danielle's university years, she mobilized her community to lead a citizen-science expedition, or 'bio blitz', that discovered a previously undocumented wetland. This discovery helped halt a pipeline expansion in Nova Scotia and continues to improve environmental assessment processes in Canada.

Danielle was one of three delegates chosen to represent the youth of Canada at the UN Environmental Assembly in Nairobi. At 8:38 a.m. local time March 10, 2019 she was at the zenith of her life. Six minutes later she was no longer alive. Her body was desecrated in the most violent way. Danielle was denied a proper death. No loved-ones or family to be with her at her bedside. I cannot even fathom what went through my daughter's mind during those last 6 minutes. I am still not prepared to think too much upon this; the thought eats at my soul. I am haunted by the knowledge that a beautiful human can be reduced to 120 jars with formaldehyde in a plywood box. Knowing that this was the second crash of the same model plane in five months enrages me. I know Danielle screamed for her life.

The reason my daughter is not alive today is due to Boeing's actions and inactions in light of what the corporation knew about its airplane. The Transportation and Infrastructure Committee's Final Report itemized a litany of failures of Boeing's safety oversight of the Max airplane by Engineers, ODA Certification Holders, test pilots to Management, Production Assembly plant, senior management, Executives and the Board.

The Securities and Exchange Commission Report found that between in November, 2018, "Boeing's Safety Review Board determine[d] that MCAS pose[d] a safety issue that require[d] remediation..." due to erroneous MCAS activation and the crew workload issue, compounded by a presence of other... alert warnings,<sup>1</sup> ... yet their November Report to shareholders notes they "have [Boeing's] assurance that the

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<sup>1</sup> Page 7, SEC Release No. 11105 / September 22, 2022 ADMINISTRATIVE PROCEEDING, File No. 3-21140.  
<https://www.sec.gov/news/press-release/2022-170>

737 MAX is as safe as any airplane that has ever flown the skies.”<sup>2</sup> The Court of Chancery shareholder lawsuit found that Boeing Board “... passively receive[d] Lion Air crash updates From Muilenberg, but [did] not initiate action.”<sup>3</sup>

Finally, after the second crash, Boeing’s CEO called the President of the United States to prevent the grounding of the 737 MAX, even as the rest of the world recognized the danger. What clearer example can there be of Boeing senior executives’ total lack of interest in the lives placed in their hands when passengers around the world boarded the 737 MAX every day?

To say the course of our lives have fundamentally changed after that second Boeing Max crash is an understatement. The day we received that phone call will be forever etched in my mind – my wife’s scream was Danielle’s echo. My son was alone when he found out; we had to drive 100 km immediately to bring him home. I had to shut off my emotions and compose my mental anguish as best I could.

I still have not grieved fully – I have had to bury some of the feelings just to make sense of the tragedy. Reading the news about the lack of diligence, oversight and concealment of important information is painful but necessary. We are tormented by what happened. Every day, I work on legal and aviation safety advocacy issues. Sleep is difficult. I wake up in the night with an image of Danielle. Getting back to sleep is medication-dependent. I will never be able to enjoy Danielle’s love, wit and stories or, someday to spoil her children.

My wife has always lived her life vicariously through Danielle’s adventures. Danielle’s dreams were my wife’s dreams. They would call and message almost every day. Danielle was her past present and future. My wife reads past messages from Danielle and records remembrance narratives weekly. For almost the last four years, there has not been a day that goes by that I have not heard her crying. She continues to search for Danielle. We talk now to an epitaph.

Danielle was my son’s greatest role model and his best friend. He would work hard to make his sister proud more so than his parents. Finding meaning and joy in his life since his sister’s death has been a struggle. He will never be an uncle. If he ever has kids, they will never grow up feeling the love of their amazing aunt.

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<sup>2</sup> Page 9, SEC Release No. 11105 / September 22, 2022 ADMINISTRATIVE PROCEEDING, File No. 3-21140.  
<https://www.sec.gov/news/press-release/2022-170>

<sup>3</sup> Page 34, IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE, C.A. No. 2019-0907-MTZ

The four people happily enjoying each other on our journey forward will never be able to continue as it should have. They are dead. We three are still wounded and find it hard to continue with daily tasks, let alone deal with the loss of a loved one. Our family has been shattered and we are trying to pick up the pieces.

As a family, we loved travelling. Danielle was our navigator and planner. Our travels now are to hearings and commemorations.

Throughout this ordeal of trying to understand how so many blunders occurred and how the opportunities to correct these errors ignored, we have been shrouded by many layers of pain. But the final insult is to understand that the Department of Justice that is supposed to protect the rights of its people and prosecute criminals does not even recognize you or your loved-one as a victim but instead gives succor to murderers to protect their earning potential and maintain market share, is morally repugnant.

The January 7 DPA was a tool of judicial expedience and overlooked many known salient facts. The public has not even been informed what facts were used to relieve the criminal of their true punishment, if in fact there were any. How can we trust the DoJ now?

Deferred prosecution agreements may work when a corporation has defrauded people, the government or other corporations of money because the fine is to repay the victims what was theirs. It should not be used for corporate mass murder. One would expect a thorough investigation by the Justice Department. The \$250 Million fine that the DoJ imposed on Boeing was a slap on their wrist. It did not even take into consideration market gain and opportunity gain by expediting the certification and selling the Max as a minimal-pilot-training product; It is a slap in our face.

This DPA at best addresses what happened up to the first crash. Boeing however, carried the fraud forward by not acknowledging that the certification was erroneous. With respect to our case, the initial fraud created the monster that killed my daughter and 156 others on Flight ET302. What Boeing did – or more to the point what they didn't do after the first crash, is one of the most insidious crimes that can be perpetrated upon society. Knowing that the fraudulently-certified product was not airworthy they continued to allow it to be airborne. If Boeing's story about one employee perpetrating these ill-deeds on their behalf was true and they were truly contrite after news of Flight JT610, there would be no second crash. This is manslaughter. It was the greed of the Boeing Corporation's zest for market share in the commercial aircraft manufacturing industry that essentially influenced their immoral actions. The

two technical pilots who were scapegoated were their foot-soldiers. How can anyone with critical thinking skills believe that these minions commandeered the Boeing Corporation and caused not one, but two horrific crashes?

Executives and Directors of corporations need to understand that they must take personal responsibility for errant features of their products. When accidents happen, the right decision is to take precautions; not to gamble with people's lives. This is a textbook ethics case for MBA, Engineering and Law students and if left as it was presented on the Day after the US Insurrection, then our students will learn that its ok to lie, to conceal facts to distort truth in an exchange of a scintilla of one's gains. Boeing should be prosecuted for their criminal behaviour after the first crash.

Danielle's family will carry her torch and it will cast a light beneath the umbra of the agents working with the criminals.



**HENRY MACHARIA WAIRIA**

**P.O. BOX 21063**

**NAIROBI.**

**Henry Wairia <henrywairia@gmail.com>**

**24/1/2023**

**The United States District Court in the Northern District of Texas, Fort Worth Division**

Dear Judge O'Connor,

I am providing you with this statement to describe the impact that Boeing's crime of fraud has had upon me and my family.

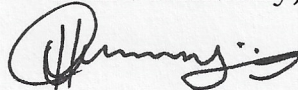
It remains a nightmare to me that my wife is no more, having lived together with her and blessed with two daughters. She was a caring and loving mum and wife to me and our children. My wife's demise brought sadness and loneliness imagining I would spend the rest of my life without her and now I live to carry that burden for the rest of my life.

She was a motherly figure and a dear wife despite our differences in life, as is normal in all marriages. But I would say her sudden demise was so soon and since then our lives changed forever and brought more conflict in the family as a matter of fact. Thus such a grief I would describe it as untidy and overlapping process.

She was a hardworking and more evident with the many years of her life that we spent together.

She could go beyond her way to see things have been done well for our family and others. She was a great partner who helped me in decision daily making all in mind of our family. After the demise of my wife I now took the role of a mother and a father.

Yours faithfully,



Henry Macharia Wairia

**Victim Impact Statement – 26 January 2023**

Your Honor,

My name is Paul Kiernan, and I am the partner of Joanna Toole who died in the Boeing 737 Max crash in Ethiopia on 10 March 2019. I have travelled from Ireland to be here this morning to stand in front of Boeing, so that they will see and know the human cost of their decisions and actions to prioritise corporate interests over passenger safety. More important, I have come here today to stand before you, your Honour, and with all the humility and respect I have left, to appeal for your help to get justice for Jo, for the 346 passengers and crew that lost their lives in Indonesia and Ethiopia, and for all passengers that were unknowingly placed in mortal danger by The Boeing Company every time they boarded its defective plane.

To reach a shared understanding of what justice means, I have to do two impossible things. First, I have to describe to you the person Jo is. For this, I would tell all you about a young woman who had dedicated her life to protecting animals and the world we share with them. I would tell you about a fierce advocate and a relentless campaigner who recognised the need to act to protect the world's marine ecosystems long before it was public knowledge or prime time television, and through ambition, extraordinary ability and dogged determination would build her idea into World Animal Protections first ever global campaign. I would tell you about a skilled strategist and quiet leader who guided international conservation policy first at the International Whaling Commission, and later at the United Nations. And I would tell you about a warm, funny and affectionate person who loved me, and who I loved back twice as much.

The second impossible thing I must do is explain to you the impact that losing ones soulmate has on a person. I would tell you how we had our whole lives to look forward to. How we had planned to have a small intimate wedding with close family and friends. How we had decided to move to London after Rome and buy our first home, how I had to explain to Jo that starting a family meant more than getting a puppy, it meant dirty nappies, vomit, and screaming, and raising conscientious children who would continue the work of their mom. And I would have to explain to you what it is like to carry Jo's bags to her taxi, kiss her and tell her that I love her, ask her to let me know when she arrives safely, and to wait for that call for the rest of my life.

And I would have to tell you things that I am ashamed of. What it's like to avoid your own reflection because you don't recognise the person you have become, because you can't bear to look at the sadness and pain, and the knowing that you can never be the same as you were before.

But these are two impossible things. Jo is too beautiful, too passionate, too selfless and too good for my words. Our future together will never happen, and the pain of losing it can never be put into words. And so the best I can hope for is that hearing about Jo might remind you of someone similar in your own life, who is dedicated to a cause much greater than themselves, who will fight even when the odds are impossibly stacked against them,



who will lose and fight again, and who finds time in all of that to love someone much lesser than themselves.

If you do know someone like Jo, you will also know that the Deferred Prosecution Agreement is not justice for her or the other victims. It is tolerance, it is acceptance, and in many ways it is endorsement of the evils of greed, power, influence and control that prevail throughout The Boeing Company. These are the same evils that are eroding our values, dividing our societies, exploiting our planet, and making the world a sadder and more desperate place.

And so we look to the Justice System to protect us. We ask the Members that serve in this vital institution to stand for us, where we cannot stand, to speak for us when we cannot speak, and to act for us when we cannot act. The Deferred Prosecution Agreement is not justice. It was created and signed in secret between the Department of Justice and Boeing, without the involvement of the families, because it was never intended to be justice.

Justice for Jo and the other passengers and crew of the fatal Boeing 737 Max begins with striking down a Deferred Prosecution Agreement that has been found to violate the rights of the victims, it continues by involving the families in the remedial actions including prosecutions, and it ends with accountability for those who knew and did nothing.

I am already waiting for one call that I know will never come, I hope this will not be the second.

Thank you, you Honor.

Growing up dad taught us that people should know you not for what you say but what you do. You know a tree but it's fruits so let me share what those who got to experience him shared. I'll read a short note from a friend.

Joseph treated me like one of his sons. He handed me the keys to his household after my mom died, and my family moved away. I was a groomsman at both of his sons weddings, and his daughter is undoubtedly one of my biggest inspirations in life. I have a lot to thank for Mr. kuria for. Not a lot of parents would take in their child's friend, after the passing of a parent, just to make sure that the life isn't disturbed too much, but my dad's kindness went beyond beyond most. My cousin in Kenya got pregnant and in our community it was taboo to be pregnant without being married. She never ceases to tell me how dad picked her back off the ground by telling her that the beginning of her child's life was not the end of hers and encouraging her, that life went beyond other peoples opinions. Dad was the leader in our community in Hull (UK) and in Kenya , quiet but impactful.

One of my favourite memories is the first family holiday I remember. My mum and my brothers had tried everything to get me into the water, but I was too afraid of the water. Dad jumped into the water and pretended he was drowning. He shouted my name, and said nobody, apart from his little girl, could save him. Truth be told he's the one who has consistently saved me my whole life. In that moment he made me believe my six-year-old tiny self could carry him out of the ocean. That was the power that he had as a father as a friend, as an uncle, a brother and to those life endeavoured to overlook. From the homeless man in the city centre for any perfect stranger in any room, he captured the humanity of everyone he encountered. He could tell you their story, their dreams and their struggle as much time had afforded him to glean. Life is full of speakers and people that want to be seen, but Dad's quest in life listen and to see those around him.

To me, Joseph Kuria Waithaka what is more than a father, who was the referee in my contact, the coach in my ear, and the confidant to my heart. We know our parents are not meant to journey our whole lives with us, but to dad was wrenched from us so soon. My little sisters don't get to see him at their school recitals or graduations. He won't get to walk me down the aisle. Life has become bitter sweet, everything that should bring joy is tinged with sadness and great grief because of the dad shaped hole in our lives. He's not on the phone on the other side to tell him that you've got the job, passed exam or just to say I love you. Parents are the pillars on which our entire existence is built and now my family live a fractured life. Speaking to my younger sisters both under the age of eight when he passed away, I asked them what they think the perfect gift would be. One said for daddy to come back just for one day, and the other said for planes to have never been made.



To call the last four years of our lives traumatic would be an understatement. They say we start grieving when we bury a loved one. Three funerals for one man and he still never buried all of him. Dad died in March 2019, we had a funeral with no coffin in April 2019. In October 2019 I walked into a makeshift chapel in an Ethiopian cargo bay. To find a coffin with the name of a man that I had last seen happy, healthy and whole. That coffin was opened up to see seven fist size parcels of what was supposed to be the man that raised me and I couldn't for the life of me, figure out where the hands that had carried me countless times, the shoulders I rested on my whole life and the face that had been the semblance of safety and home was. 30% of my dad, and an index card of the outlining what the seven fist sized parcels were supposed to be my father rest in peacefully were. The hardest thing about it all is walking out of the room, and seeing more people than I could count about income to the same fate. I remember sitting on a plane knowing my dad and 32 are there incredible people were in the boot of the plane completing a journey they'd started six months before and never got to finish. Watching husbands, mothers and children search for their wives, children and parents in a sea of coffins at an airport like they were collecting luggage. Often find myself wishing my dad died in his sleep or I've been taken by illness. Because missing him would come with the torment of the night terrors of him falling out of the sky screaming my name or wondering whether it was his body in the bags being carried on the news.

The first 6 minutes of every flight, have become unbearable. As the plane takes off I think of my dad own his own. Did he cry out for us? Did he pray? What was he feeling, thinking watching the ground come at him. Did he feel pain when his body was shattered into a thousand pieces in a field far from everyone he knew. Sleep has become a myth, the bag under my eyes begin to turn into luggage. My heart gets over whelmed by anxiety when people I love leave. My brain sometimes functions like a doctor should have diagnosed me with dementia, there are moments in time my mind wonder. Keys left on the door, forgetting where I am or what I'm doing. Trauma reshape the brain. Every time we travel in our family, we take pictures of what we are wearing, the seat we are sitting on just in case.

The lives that were lost and destroyed, and that they were not just the 157 live or the 346 in total. It was 10, hundred or thousands of lives attached to them. I lost my dad shortly after i 23, I stand here just after turning 27, and I can't tell you what the last three years of my life account for apart from trying to make sure that it doesn't happen to anyone else. My friends have gotten married, bought houses, built their careers and are now even having kids. Yet here I am, in another hearing, in another meeting with nothing but heartbreak to show for the last four years. Not even a single letter of condolences, acknowledging my dad's death has come from Boeing. Just mindless press releases.

All of this nly to find out that the awakening hellish nightmare that is our lives have turned into wasn't an honest mistake. It wasn't just negligence and oversight. But a combination of calculated risks a decision made again and again by suits in boardrooms; that human life, my dad's life and the lives of those left behind would suffice as calculated collateral and expendable costs. That it was okay for them line their pockets at the expense of us lining graves with our loved ones.

There is no remorse in this for Boeing. But how can there be when they've gotten away without being held accountable at each and every turn in the last four years. Like a child without restrain who knows their parents' pursestrings extend much further than any consequences could reach or justice could ever prevail. 346 lives gone, and countless others destroyed. The consequence of that are a fine, self regulation and immunity for those responsible. How can we believe injustice? If this has been categorised as sufficient justice, for what we have faced? How can we believe in justice ? Nothing can bring our loved ones back, and penalties feels sufficient for the needless loss of life. But history only repeats its self when we fail to learn from it. We have to set a precedent.

Sent from Outlook for iOS



### **Impact Statement**

My name is Brittney Riffel, spouse to Melvin Riffel and Sister-in-law to Bennett Riffel who were both killed in the ET302 plane crash, March 10<sup>th</sup> 2019. Sitting up here today choosing to make an impact statement seems almost impossible, as words are not enough to express the impact my husband's death, and the ET302 plane crash in general, have left on mine and my daughter's life.

I am completely and utterly lost without my husband here. Our lives were just beginning. We were starting our little family together and everything was perfect until it just wasn't. I was 7 months pregnant when Mel's life was ripped away from this earth. I say ripped away because literally in an instant he was ripped out of my life. Ripped out of our future plans, Ripped away from becoming a dad, and ripped away from the impact he would of made on this world, with each person he encountered, and mostly importantly the impact he would of made in his daughters life. Melvin never had a chance to meet his daughter and Emma will never know how it is to have a dad in her life. She doesn't get to see the love and affection exchanged between her parents, She doesn't get to have those hard talks about boys, She doesn't get the feel fiercely protected by her dad, she doesn't get to have her dad take her to father-daughter dances, she doesn't get her dad to walk her down the aisle. Emma is only three years old and she has already had so much taken from her. Melvin was such a force to be reckoned with. He was energetic, motivated, fearless, confident, and outgoing, all awhile being down to earth, caring, compassionate, and such a great listener. If Melvin had the chance to be here, all of those qualities would have been instilled in her to the fullest. Now it's all on my shoulders. It is up to this grieving mother to tirelessly explain to her who her daddy was, his personality and traits,

make sure she knows how much he loves her, make sure I tell her stories about our love and all the things he had planned for us as a family. All of that on top of being a single mother, fighting for light in my life to make sure I shine for her. All of that while dealing with this lawsuit and fighting for justice that we should have got a long time ago.

Our lives haven't just been impacted, they were shattered into a million little pieces and left to dust. I am not even that same person anymore. That happy, loving, fun, and cheerful self has completely disappeared. I had to pick myself up off the ground and learn how to survive for our daughter. Learn how to be a parent on my own, make all the decisions on my own, live without the comfort of having someone by my side to protect us, live without personal companionship to share my life with. Every day I live lonely. Every day I yearn for my husband. Every day I pray to God he can hear me when I talk to him, and pray to God he is resting in peace with no recollection of the suffering and torture he was put through upon his death. I can't even imagine sharing my life with anyone else and I tell people I will be just fine, but I don't know if I will be.

Emma is a blessing and gives me such light and happiness, but that doesn't change the fact that this is still a nightmare of a life to live. I have been in constant therapy coming up on 4 years now. I never feel like I am in a state of happiness. I have social anxiety, along with the constant thought that something is wrong or going to go wrong. My relationships suffer because I don't have the energy to put into them. We are coming up on 4 years of fighting for justice for our loved ones. The constant emails, information gathering, interviews, court cases, hearings, and all the horrifying and gruesome details of the investigation. I am emotionally and mentally exhausted.

The person I loved the most in this world is gone, when in fact, he could still be here if Boeing hadn't played Russian roulette with our lives. It's plain and simple. Boeing intentionally put a faulty software system inside their planes and gambled our lives away. All for the competition, and all for the money, all due to greed and selfish acts. It could've been anyone's family, it could've been yours, and it could've been your's, but it was all of ours in this court room today fighting for justice to be done. Fighting to not let this nightmare happen to anyone else. Fighting for the safety of our lives in the air. There is more than enough proof showing the criminal behaviors that Boeing was a part of and yet they were granted immunity for killing 346 people. Please let justice be served so we can make the world a safer place for our brother, sisters, and children and not let the hands of criminals run this world.

Thank the court and the Judge

My name is Ike Riffel, father of Melvin and Bennett Riffel, both victims of the ET 302. First, I would like to say that my wife Susan and I were blessed to have these boys in our life. We thank God every day for the time we had with them, Bennett for 26 years and Bennett for 29 years. I think about them every morning, every day, and every night. I also live every day with the nightmare of the crash that took their lives.

I am here today because my sons and 344 other innocent souls lost their lives because criminals at Boeing motivated by greed, conspired to deceive and defraud the FAA (Federal Aviation Administration). This fraud and deceit was found to be directly responsible for these tragic crashes. I believe had Boeing come clean and not deceived the FAA and their own people, we would not be having this discussion today.

Before I ever heard of the DPA (Deferred Prosecution Agreement), I believed that the FBI and DOJ (Department of Justice) were conducting a thorough investigation into any wrongdoing at both Boeing and the FAA. I thought that as with any investigation if any criminal behavior was detected and laws were broken that there would be indictments and due process would follow. The families and general public would be allowed to watch and participate with full transparency, the corporations would be put on notice that they are not above the law. That's the way I thought it would work.

Then out of nowhere comes the Boeing DPA. I was in shock. This can't be true. This a secret back room deal between the DOJ and Boeing that essentially ended the investigation and granted immunity to Boeing executives. What a slap in the face to the families that lost so much. Behind this agreement hides the truth. The truth that families and flying public have the right to know.



This truth could help us understand how this happened and help make sure it never happens again. We were denied our rights by this back-room deal.

Whatever happened to equal protection under the law? If by speeding across town I lost control of my car and jump up on the sidewalk killing an innocent person, would a DPA be available to me? Probably not. I guess if you work for a major corporation and your recklessness results in the deaths of 346 people, that moves you to a different tier of justice. This deal stinks on all levels. The bottom line is motivated by greed and profit Boeing pushed an unsafe airplane through certification. Then they gambled with the lives of their passengers. Our sons lost big, 344 other people lost big, families and friends lost big, the world lost big. Boeing in turn got a sweetheart deal. Where is the justice?

Shame on you DOJ .You did nothing to improve air transport safety, instead you made us less safe by empowering the criminals. DOJ please step over to the side of justice and help us weed out these criminals. I will never see my boys again but we can stop them from killing somebody else's family.

Below From Susan Riffel

Thank you Judge O'Conner

My name is Susan Riffel. My husband and I lost our only two children in the crash of flight 302.

Our boys were independent, both successful in their chosen careers with bright futures. They loved life, traveling, debating (especially with their dad). They loved family and we were blessed to be close, planning trips together – sharing life.

When asked what impact this crime has had on our family, well...I cry at any given moment, wake at night thinking of them, have a problem making commitments not knowing what tomorrow will bring,

We are now retired and our retirement is not what we thought it would look like without our sons to share all the memories and familyisms. When our granddaughter, Emma, was born it was heart wrenching to see my husband cry when he held her as he would always say he should not be the one holding her, it should be Melvin, her Daddy or Uncle. Our daughter in law, Brittney was not able to feel the joy of moving into a new home as she cried that it should be with Melvin.

Nothing is the same, nothing really matters like it once did. We simply go through the motions. We always taught our boy about consequences. We would like to see consequences for Boeing.

I'd like to ask representatives from Boeing and the DOJ to close their eyes for a moment. Take a deep breath. Now, with eyes closed visualize upcoming special dates like a child's birthday, Mother's Day, Father's Day, Christmas. Hopefully you see pleasant times. For me on those days I might wake up, stretch and then reality slaps me in the face as I realize the boys are not going to come bounding through the door, no call, no text on a special day or any day because criminals at Boeing killed them. That's our life now.

Victim Impact Statement



My name is Naoise Connolly Ryan. My husband, Mick Ryan, was killed in the Ethiopian plane crash ET302. I have travelled here today from Ireland with my two young children in the hope of justice.

**The 10<sup>th</sup> March 2019 is a day I will never forget, it changed our lives forever. Although we had been married for 12 years, as a family, in a way, life was only just beginning. We had our beautiful 3 year old daughter, Saorlaith, and our new born son, Macdara, and we couldn't have been happier. Mick was our joy. He had a big heart and a big smile. His sense of humour and his passion for people and for life broke down many boundaries as he travelled across the globe working for the United Nations.**

**As the Global Deputy Chief Engineer of the United Nations World Food Programme Mick was based in Head quarters in Rome. Like most humanitarians however, his work took him to many dangerous and risky places. He worked in countries with Ebola, civil unrest, war, terrorism. He witnessed unimaginable atrocities. He loved his work and his passion was to make the world a better place. Mick lived his life with passion. To him people were what mattered and being an Engineer working for WFP enabled him to help the most vulnerable people in the world. He was a first-responder when it came to global emergencies. He believed engineering lay at the heart of the WFP motto – to change lives and to save lives. If you provide people with the infrastructure and a safe place to work, to play and to**

live, you can build an environment and a society that is better equipped to support itself. You can give people hope. This was his vision.

But four years ago all our dreams ended. Mick was travelling with the UN from Addis Abba to Nairobi. He had put himself forward to attend a workshop in Nairobi to help expand the WFP engineering programme across all of Africa. I was in Ireland at the time with our two young children, preparing to travel back to Rome. When he landed in Addis he tried to call me but it was in the middle of night in Ireland. In the end he just sent me a simple message to say he had landed in Addis and that he was on his way to Nairobi and signed off his message with a kiss. There was nothing to fear, this was not a dangerous mission. I awoke early the next morning and saw his message. I replied with “Good Morning Daddy” with a picture of the kids in bed smiling up at the camera, I knew it would make him so happy to see them. The message sent but it never delivered.

Since losing Mick I have experienced unimaginable trauma and suffering. The life we once knew, the joy, the laughter has all but been obliterated from our lives. I am stuck in a never ending time loop that brings me right back to the 10<sup>th</sup> March, time and time again. The nightmares of planes falling from the sky. Visions of what Mick must have experienced, the absolute terror. How he must have felt, the thoughts that must have gone through his head in those final moments. For the first year after the crash I didn’t sleep. It was easier not to sleep. Sleep brought no comfort just more nightmares. But I had a young baby and a young child that needed me, I needed to find the strength to look after our children. So I started to hope. Hope that justice would prevail and that those that were culpable, the CEO’s of Boeing – Muilenberg and Calhoun in particular – they would be held to account.

My children are growing up fast. The past four years of their young lives have been traumatic and impossibly sad. They suffer from anxiety that they will lose their mother too. My son calls for me continuously when we are at home to try and reassure himself that I am still there. My daughter has cried out for her daddy in the middle of the night. She remembers him but the memories are fading, she gets anxious about ‘forgetting him’. She has one very large and dark memory however and that is how she lost him. We have since moved from Rome back to Ireland in the hope of rebuilding our lives. I had to change my daughter to a smaller school because she felt too overwhelmed by all the other kids that had a daddy. She suffers from anxiety and depression. She also fears that she will lose me too. This is my second trip to the US in two months and each time I have had to take my children with me. They are scared to fly but they are more afraid to be left behind with the thought that they might never see me again.

But I had to make this journey so that I could be here today to be heard and make a plea to the court. The secret deal that was hatched between Boeing and the Department of Justice is not justice. I refused to accept the DPA compensation money for this reason, I do not want their blood money. I want the truth, real justice and accountability. I believe Muilenberg and Calhoun should face a public trial and be prosecuted for manslaughter.

These days when I think of Mick’s last day in this world I try not to think about his last moments on that plane. Instead I try to think of him on mission, in the field, doing what he loved doing best but knowing his thoughts were always with us. A colleague of his whom he had worked with in the field reached out to me after the crash, he wrote:

*A couple of weeks before the crash, Mick was in Cox's Bazar [Bangladesh] and we again met and planned more things for the year with the agreement that we would keep pushing for a bigger impact on the refugees no matter what. We parted our ways at the ISCG compound with me saying ".... You like it so much here you should just stay, we need you and you are always in the field already, Rome is boring...." I laughed and he replied " .... I have family in Rome waiting, I go back for them ....". I was happy for him because there was so much life, joy and happiness in those words. We parted and that hand in the air and smile as he walked away is the image, I retain of him.*

I want justice for Mick and all the 346 people that were killed by Boeing.

**United States of America vs The Boeing Company**  
**Testimony of Michael Stumo**  
**1/26/23**

Samya Rose Stumo, my daughter, would be 28 years old this year. Boeing's culture of concealment drove the conspiracy which came from the top, lasted many years and continues to this day. As a result, our daughter Samya Rose Stumo died.

***Her brother Adnaan couldn't be here but said: Samya was on her way to Uganda to prepare the ground for rural medical clinics based on engagement with local communities and detailed understanding of their needs. She had just graduated with a graduate degree in Global Health, and was at the start of a 50+ career that would have brought much-needed healthcare to countless people around the world. Add to that the mentorship, friendship, and political impact that her force of personality and her work would have facilitated. The loss is literally impossible for any one of us to comprehend.***

Samya flew from Dulles to Addis Ababa and texted us, "Just landed in Addis Ababa - another 2 hours to Nairobi." She boarded a new Boeing 737 MAX 8 at around 8:30a local Addis time. She sat in seat 16J, an aisle seat.

For several minutes, the captain used brute physical force to pull the control yoke back up. He became exhausted and asked for the first officer's help. During the six minute flight, my daughter was terrified riding this roller coaster. At 8:43 am local time, the plane plowed into the ground, in an Ethiopian farm field, and buried itself dozens of feet below the surface.

The plane and the passengers disintegrated into pieces. Those pieces were mixed up with the jet fuel and the dirt. I was there with my family at the crash site. We saw the hole, the wreckage. My wife and son saw body parts exposed to the elements.

But we could not simply curl up and grieve at home because Boeing continued cost cutting, concealment, stock price appreciation and dividend distribution. This way of doing business caused the crash and if not punished could cause more death. Boeing's continued behavior persistently increased me and my family's grief, anger, pain and depression.

I learned that Dennis Muilenburg knew, after Lion Air, that Boeing had identified MCAS as an ongoing safety risk and needed a fix. He was upset about the revelation and gave orders to conceal the information, telling the public the MAX "is as safe as any airplane that has ever flown the skies." The National Transportation Safety Board complained to Boeing about that misleading statement and the SEC fined him for it.

In April 2019, Muilenburg concealed information from investors and reporters stating "there was no surprise or gap or unknown... that someone slipped through the certification process." That was a lie and the SEC fined him for it.

I learned from the House Transportation Committee report that an early, core Boeing goal was to prevent the FAA from requiring simulator training throughout MAX development. Boeing did not develop a great airplane and then determine whether training was required. It tried to prevent FAA from requiring the training.

A 2011 contract with Southwest included a \$1M penalty for each aircraft if simulator training was required. With up to 391 planes, the \$391M total penalty further motivated the culture of concealment of the corporation regulating itself.



Boeing's conspiracy captured the FAA as Senator Cruz said. Congress found Boeing had too much influence over FAA oversight. The House investigation stated Boeing had a culture of concealment.

We learned from the House report that four out of 10 Boeing authorized representatives, those acting for the FAA, perceived "undue pressure" by Boeing for raising safety concerns.

And that Boeing knew in 2012 that it took 10 seconds - rather than 4 - for some pilots to respond to a surprise MCAS activation. Boeing concealed this from FAA because it risked more scrutiny, design changes and pilot training.

And that in June 2013, Boeing employees formulated a plan to disguise MCAS as a mere addition to the existing speed trim system. Their company rule was don't describe MCAS as a "new function" so they could avoid cost and certification impact.

I learned from the House report that Boeing did not tell FAA about concerns of its Authorized Representative, in 2016, with repetitive MCAS activation from a faulty AOA data, the exact problem with Lion and Ethiopian Air.

I also learned that Boeing knew that AOA disagree alerts on more than 80% of MAX fleet were inoperative. And therefore did not comply with the FAA approved type certificate. But it concealed this from the FAA until after Lion Air.

I learned that Boeing avoided upgrading the MAX pilot alert system to comply with 2011 rules that prevent false, confusing and nuisance alerts that interfere with pilots ability to avoid a crash. Boeing claimed that upgrading this system in the same way it has done for the 787 would cost over \$10B. The whole MAX development program cost only \$2.5B. That antiquated and confusing pilot alert system was determined a contributing factor to the Lion Air and Ethiopian Air crashes.

Despite all these prior investigative findings, Boeing and the Justice Department compound our grief and deny our rights as victims. They pretend this was a simple fraud on the FAA by two guys and fight against including the full scope of this top down multi year conspiracy.

This farce increases the pain of losing our daughter, that started on March 10, 2019. The perpetrator, Boeing, still has no independent oversight even as it continues its reckless behavior. I ask the court to impose conditions of release to include independent monitoring and public disclosure of the reports to help prevent a third crash.



**United States of America vs The Boeing Company**  
**Testimony of Nadia Milleron**  
**1/26/23**

We are Michael Stumo and Nadia Milleron, parents of Samya Rose Stumo, age 24, who died on Ethiopian Airlines Flight 302, a new Boeing 737Max aircraft

Our daughter surely was terrified with her fellow passengers. We are forever haunted by what those horrible final minutes were like for her. How could we have kept her safe? We received 122 pieces of Samya's body to bury, 7 months after the crash, 2/3rds of her remains. Part of Samya is still scattered in rural Ethiopia. Dignity after death was denied her and our family.

Her little brother, Tor, writes: "Samya was the shining star in our family. Her mixture of vibrant joy, selflessness and deep, permeating love drew people to her like flowers to the sun. People she met for only a few moments would remember her for years after with a sort of wistful glow in their chests. She was very special.

We, her family, loved Samya so very much. And she adored us. She could make you feel so cared for, like the center of her universe, and in one of her hugs, you could forget all of life's problems. Her love was so strong. It was love with humor and kindness that makes me ache because I know I'll never feel it again.

With Samya around, tough family dysfunction melted away under the beams of laughter and playfulness she constantly emitted. And she put in the work. Visiting our far-flung relatives all over the country. Being the glue that held us together. Being the gravity that brought us closer.

Samya loved justice too. She saw suffering in the world and it hurt her. I remember she'd call me at odd hours to vent the frustration and anger she felt at the abuses she was seeing; vulnerable, beaten-down people forgotten or dismissed by those with the most power to help them. Samya wanted to change things and she wanted to do it with her own hands. That's why she joined the non-profit ThinkWell. That's why she flew to Kenya. That's why she was on Boeing's purposely defective plane.

Samya Rose is gone now. And life has lost a lot of light, hope and love. Our family is deeply wounded and the person best at helping us heal is dead.

The future I imagined with my sister is broken and now the jagged gaps in my life cut me every time I think of them. Samya's never gonna meet my kids. I'm never going to meet her beautiful family. My cheerleader, my confidant, my role model just doesn't exist any more.

Samya could have changed the world. The love she infused in her family, friends and good works would've continued to bloom and grow. She would've continued living life with a passion and love that few could match. But that won't happen now. And for what? Because Muilenberg and Calhoun wanted to use fraud to scrape out a bit more profit? After all the pain we've gone through that just twists the knife."

I add to Tor's comments that Boeing's continued secrecy and risk-taking hurts us. We work to prevent similar crashes. But instead of working for the same goal, Boeing, who didn't ground their defective plane after Lion Air, who knowingly caused the second crash, continues implementing minimum standards of safety today. The Department of Justice recently received information that senior Boeing executives committed and continue to commit fraud during the production of Max airplanes, after both crashes, and even after signing the DPA.

Our criminal justice system is meant to change behavior of those who kill or prevent them from killing again. 2 days ago Attorney Leon explained to the families that the fate of our child's killer

is decided by a secret contract between the Department of Justice & defendant Boeing, a contract known as DPA. A secret contract is not justice, but is business as usual for Boeing. Our grief is boundless at discovering that we're in a society that tolerates disregard of human life for profit. Does our system protect innocent passengers or protect a company that killed passengers?

Holding Boeing fully accountable is the right thing to do and the only way for us to end the torture of this repeated crime. We pray this court holds Boeing to standards of justice.

On March 10th, 2019, the world was forever changed for our family when my father, a compassionate brother and uncle, a loyal friend, a loving husband, a devoted father and a new grandfather, tragically lost his life in the ET302 plane crash. He left behind his two children, a granddaughter and the biggest victim of his passing, his wife. All of whom loved and cherished him deeply and have felt the devastation of this loss very deeply.

At 78 years old and after being together for almost 50 years the loss of my father has left a gaping hole in her life, she has lost a big piece of her identity and is no longer the same person she was before the crash. We do not know our mother without our father, but even more than that, it is because she no longer knows herself. Even today, almost 4 years later, it feels like the crash happened only yesterday. The emotional toll on her has been immense, and it is heartbreaking to see her struggling to come to terms with the loss of her lifelong partner, and the constant legal battles and lack of accountability from those responsible only serve to prolong our pain and suffering.

My father was more than just a husband, father and grandfather, he was a legend. He was truly a wise man, who lived his life with purpose, always striving to help others and make a positive impact in the world. He had high morals, was recognized as a contributing member of society. He was kind, and generous with both time and resources. He was devoted to his family and exposed us to the world which allowed us to be the global citizens that we are today. He guided us in striving to become the best version of ourselves every time and to keep the flame of our inner child alive. He was a hard worker, known for his compassion and kindness towards everyone he came across. He was also an advocate for education, and not just for his own children, but for others as well. He was respected and admired by many, and his loss, has left a hole in the hearts of all who knew him.

Above all, my father was a man of unwavering moral values. He lived his life guided by a strong sense of right and wrong, and always sought to do what was just and fair. He emphasized the importance of taking responsibility for our actions and taught us to always consider the consequences of our choices. He instilled in us a deep sense of empathy and compassion, and encouraged us to help others whenever we could.

The most heartbreaking part of this tragedy is the fact that we have had to fight for justice from the very people we rely on to protect us. The Department of Justice, who we hear about from across every border as being the most just and having the highest standards, has failed us by allowing Boeing to get away with murder. This is not just a failure of justice, it's a failure of humanity.

We are here today, not just to seek justice for my father and the other victims, but to ensure that their deaths were not in vain. We are here to make sure that the people responsible are held accountable and that the families of the victims can finally have some peace. We are here to make sure that our father's, brother's, sister's, husband's, wife's and everyone else that didn't



need to die's legacy, will not be forgotten. We are here to make sure that history will remember that the victims of the ET302 crash were not just victims of a tragic event, but victims of greed and lack of best practice.

We ask you, your honor, to do the right and just thing. To hold those responsible accountable and to give the families of the victims the peace they deserve. We ask you to make sure that y, and the legacy of all the victims, will not be forgotten. We ask you to make sure that our quest for justice was not in vain. Thank you.